

## **FISCAL NOTE**

### **SB 538 - HB 1333**

March 22, 2007

**SUMMARY OF BILL:** Creates the Tennessee Innocence Commission and requires the commission to investigate all post-conviction exonerations and pardons. The commission is required to provide an annual report of its findings and recommendations to the Governor, Lieutenant Governor and the Speaker of the House of Representatives no later than December of each year.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$87,800 Recurring  
\$828 Each One-Day Meeting**

#### Assumptions:

- The Administrative Office of the Courts (AOC) would require one additional staff attorney to assist the commission. Recurring expenditures of \$60,336 salary and \$27,489 benefits.
- Travel expenses for the nine members of \$828 each one day meeting (200 miles x \$0.46 = \$92.00 x 9 members).
- It is estimated that few cases will be impacted by this bill. The bill applies only to post-conviction cases, a defined proceeding under state law, and not reversals on direct appeal or on federal habeas petitions. The bill also applies only to exonerations (i.e., determinations of actual innocence, rather than reversals resulting in a new trial or new sentencing, or release for a reason not related to innocence) and pardons. Exonerations are very infrequent and pardons are rare.
- However, when the commission determines that a full investigation is warranted, it will be time-consuming and expensive to copy voluminous records and transcripts; review, analyze and summarize the records; conduct legal research; appear in court; draft reports regarding the commission's conclusions in each case; and other related tasks associated with this type of case. The time involved in each case, despite its infrequency, will require AOC to have one additional position.

#### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

**SB 538 - HB 1333**